

Article 12. Waste Piles**§66265.250. Applicability.**

The regulations in this article apply to owners and operators of facilities that treat or store hazardous waste in piles, except as section 66265.1 provides otherwise. Alternatively, a pile of hazardous waste may be managed as a landfill under article 14.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.250.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.251. Protection from Wind.

The owner or operator of a pile containing hazardous waste which could be subject to dispersal by wind shall cover or otherwise manage the pile so that wind dispersal is controlled.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.251.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.252. Waste Analysis.

(a) In addition to the waste analyses required by section 66265.13, the owner or operator shall analyze a representative sample of waste from each incoming movement before adding the waste to any existing pile, unless (1) The only wastes the facility receives which are amenable to piling are compatible with each other, or (2) the waste received is compatible with the waste in the pile to which it is to be added. The analysis conducted shall be capable of differentiating between the types of hazardous waste the owner or operator places in piles, so that mixing of incompatible waste does not inadvertently occur. The analysis shall include a visual comparison of color and texture.

(b) As required by section 66265.13 of this chapter, the waste analysis plan shall include analyses needed to comply with sections 66265.256 and 66265.257. As required by section 66265.73, the owner or operator shall place the results of this analysis in the operating record of the facility.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.252.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.253. Containment.

If leachate or run-off from a pile is a hazardous waste, then either:

(a)(1) the pile shall be placed on an impermeable base that is compatible with the waste under the conditions of treatment or storage;

(2) the owner or operator shall design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the pile during peak discharge from at least a 25-year storm;

(3) the owner or operator shall design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm; and

(4) collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems shall be emptied or otherwise managed expeditiously to maintain design capacity of the system; or

(b)(1) the pile shall be protected from precipitation and run-on by some other means; and

(2) no liquids or wastes containing free liquids shall be placed in the pile.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.253.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.254. Design and Operating Requirements.

(a) The owner or operator of each new waste pile handling RCRA hazardous waste on which construction commences after January 29, 1992, each lateral expansion of a waste pile unit on which construction commences after July 29, 1992, and each such replacement of an existing waste pile unit that is to commence reuse after July 29, 1992 shall install two or more liners and a leachate collection and removal system above and between such liners, and operate the leachate collection and removal systems, in accordance with section 66264.251(c), unless exempted under section 66264.251(j), (m), or (n), of this chapter; and shall comply with the procedures of section 66265.221(b). "Construction commences" is as defined in section 66260.10 of this chapter under "existing facility".

(b) The owner or operator of each new waste pile handling only non-RCRA hazardous waste on which construction commences after February 18, 1996, each lateral expansion of a waste pile unit on which construction commences after February 18, 1996, and each such replacement of an existing waste pile unit that is to commence

reuse after February 18, 1996 shall install two or more liners and a leachate collection and removal system above and between such liners, and operate the leachate collection and removal systems, in accordance with section 66264.251(c), unless exempted under section 66264.251(f), (m) or (n) of this chapter; and shall comply with the procedures of section 66265.221(b). "Construction commences" is as defined in section 66260.10 of this chapter under "existing facility".

NOTE: Authority cited: Sections 25150 and 25159, Health and Safety Code; and Governor's Reorganization Plan Number 1 of 1991. Reference: Sections 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 265.254.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Amendment of section heading, designation and amendment of subsection (a), new subsection (b) and amendment of Note filed 7-19-95; operative 8-18-95 (Register 95, No. 29).
3. Change without regulatory effect amending section filed 6-30-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 27).

§66265.255. Action Leakage Rates.

(a) The owner or operator of waste pile units subject to section 66265.254 shall submit a proposed action leakage rate to the Department when submitting the notice required under section 66265.254. The Department will establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this section.

(b) The Department shall approve an action leakage rate for waste pile units subject to section 66265.254. The action leakage rate is the maximum design flow rate that the leak detection system (LDS) can remove without the fluid pressure head on the bottom liner exceeding 1 foot (30.5 cm) at any govern portion of the liner. The action leakage rate shall include an adequate safety margin to allow for uncertainties in the design (e.g., slope, construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions (e.g., the action leakage rate shall consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.).

(c) To determine if the action leakage rate has been exceeded, the owner or operator shall convert the weekly flow rate from the monitoring data obtained under section 66265.260, to an average daily flow rate (gallons per acre per day) for each sump. Unless the Department approves a different calculation, the average daily flow rate for each sump shall be calculated weekly during the active life and closure period.

NOTE: Authority cited: Sections 25150 and 25159, Health and Safety Code; and Governor's Reorganization Plan Number 1 of 1991. Reference: Sections 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 265.255.

HISTORY

1. New section filed 7-19-95; operative 8-18-95 (Register 95, No. 29).
2. Change without regulatory effect amending subsection (b) filed 6-30-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 27).

§66265.256. Special Requirements for Ignitable or Reactive Waste.

(a) Ignitable or reactive wastes shall not be placed in a pile, unless the waste and pile satisfy all applicable requirements of chapter 18 of this division, and:

(1) addition of the waste to an existing pile (A) results in the waste or mixture no longer meeting the definition of ignitable or reactive waste under sections 66261.21 or 66261.23 of this chapter, and (B) complies with section 66265.17(b); or

(2) the waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.256.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.257. Special Requirements for Incompatible Wastes.

(a) Incompatible wastes, or incompatible wastes and materials, (see Appendix V for examples) shall not be placed in the same pile, unless section 66265.17(b) is complied with.

(b) A pile of hazardous waste that is incompatible with any waste or other material stored nearby in other containers, piles, open tanks, or surface impoundments shall be separated from the other materials, or protected from them by means of a dike, berm, wall, or other device.

(c) Hazardous waste shall not be piled on the same area where incompatible wastes or materials were previously piled, unless that area has been decontaminated sufficiently to ensure compliance with section 66265.17(b).

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.257.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.258. Closure and Post-Closure Care.

(a) At closure, the owner or operator shall remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 66261.3(d) of this chapter applies; or

(b) if, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in subsection (a) of this section, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, the owner or operator shall close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (section 66265.310).

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 265.258.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.259. Response Actions.

(a) The owner or operator of waste pile units subject to section 66265.254 shall submit a response action plan to the Department when submitting the proposed action leakage rate under section 66265.255. The response action plan shall set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan shall describe the actions specified in subsection (b) of this section.

(b) If the flow rate into the leak determination system exceeds the action leakage rate for any sump, the owner or operator shall:

(1) Notify the Department in writing of the exceedence within 7 days of the determination;

(2) Submit a preliminary written assessment to the Department within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;

(3) Determine to the extent practicable the location, size, and cause of any leak;

(4) Determine whether waste receipts should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed;

(5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and

(6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Department the results of the analyses specified in subsections (b)(3), (4) and (5) of this section, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator shall submit to the Department a report summarizing the results of any remedial actions taken and actions planned.

(c) To make the leak and/or remediation determinations in subsections (b)(3), (4) and (5) of this section, the owner or operator shall:

(1)(A) Assess the source of liquids and amounts of liquids by source,

(B) Conduct a fingerprint, hazardous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and

(C) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or

(2) Document why such assessments are not needed.

NOTE: Authority cited: Sections 25150 and 25159, Health and Safety Code; and Governor's Reorganization Plan Number 1 of 1991. Reference: Sections 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 265.259.

HISTORY

1. New section filed 7-19-95; operative 8-18-95 (Register 95, No. 29).

§66265.260. Monitoring and Inspection.

An owner or operator required to have a leak detection system under section 66265.254 shall record the amount of liquids removed from each leak detection system sump at least once each week during the active life and closure period.

NOTE: Authority cited: Sections 25150 and 25159, Health and Safety Code; and Governor's Reorganization Plan Number 1 of 1991. Reference: Sections 25159 and 25159.5, Health and Safety Code; and 40 CFR Section 265.260.

HISTORY

1. New section filed 7-19-95; operative 8-18-95 (Register 95, No. 29).